



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Konthur *et al.*

Serial No: 10/031,131

Filed: March 15, 2002

For: Method for High-Throughput
Selection of Binding Partners

Attorney Docket No. VOSS-P01-001

Art Unit: 1639

Confirmation No.: 6180

Examiner: My Chau T. Tran

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Commissioner for Patents
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REPLY TO RESTRICTION REQUIREMENT

Sir:

In reply to the outstanding Restriction Requirement, mailed on April 23, 2003, in connection with the above application, Applicants hereby elect with traverse Group I, e.g., claims 1-17, and 19-20, drawn to a method for selecting a member of specifically interacting molecules from libraries. Applicants elect this invention with traverse, because claim 18, Group II, shares a common technical feature with Group I claims, namely, the simultaneous and easy screening and selection of large number of molecules from libraries, which further allows the simultaneous detection of a variety of molecules of interest. Accordingly, Groups I and II could be examined simultaneously without significant additional burden.

The Examiner further requested that we elect a distinct species for each of the following: first molecule, second molecule, type of attachment to magnetic particle and type of "immunological means". Applicants respectfully traverse this restriction, but elect, for search

purposes only, an organic molecule for both the first and the second molecules, specific interaction for the interaction between the first and the second molecule, an affinity tag for the attachment to magnetic particle, and ELISA for the immunological means. Claims 1-17, 19-23 are claims readable on the elected species.

In the event that the Examiner is requesting a more specific election, Applicants further elect, for search purposes, an antibody or a fragment or a derivative thereof for the first molecule, a cDNA expression product or a fragment thereof for the second molecule, an antibody-antigen interaction for the interaction between the first and the second molecule, and a His-tag for the attachment to magnetic particle. Claims 1, 2, 4-17, 19-23 are claims readable on the elected species.

Applicants note that claim 1 is a generic claim linking elected and non-elected species. Claim 18 is a dependent claim of claim 1, including all limitations of the generic claim 1. Pursuant to MPEP 809.04, “[i]f a linking claim is allowed, the examiner must thereafter examine species if the linking claim is generic thereto, or he or she must examine the claims to the non-elected inventions that are linked to the elected invention by such allowed linking claim.” Thus, restrictions imposed on species encompassed by generic claims must be withdrawn upon indication of an allowable generic claim (MPEP 809). In other words, upon the allowance of a generic claim, Applicants are entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141 (MPEP 809.02(a)).